

# MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large  
Claude F. Guidroz, Ward I  
Audwin Samuel, Ward III  
Tyrone E. Cooper, City Attorney

**BECKY AMES, MAYOR**  
CITY COUNCIL MEETING  
December 15, 2015  
Kyle Hayes, City Manager

Gethrel Wright, At-Large  
Michael D. Getz, Mayor Pro Tem  
Robin Mouton, Ward IV  
Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **December 15, 2015**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

## OPENING

- \* Invocation                      Pledge of Allegiance                      Roll Call
- \* Presentations and Recognition
- \* Public Comment: Persons may speak on scheduled agenda items 1-7/Consent Agenda
- \* Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Associate Pastor Terrell Wilson of the Cathedral of Faith Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Stephanie Gandy, Deputy City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Getz, Councilmembers Guidroz, Wright, Pate and Samuel. Absent: Councilmember Mouton; Tina Broussard, City Clerk. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Stephanie Gandy, Deputy City Clerk.

## Proclamations, Presentations, Recognitions

**None**

**Public Comment:** Persons may speak on scheduled agenda items 1-7/Consent Agenda.

**None**

## CONSENT AGENDA

- \* Approval of minutes – December 8, 2015
- \* Confirmation of committee appointments - **Resolution – 15 - 280**

Lauren Williams-Mason who was appointed to the Planning and Zoning Commission on December 8, 2015 will be removed and replaced by Sherrene Cook. The term would commence

December 15, 2015 and expire September 30, 2017. (Councilmember Claude Guidroz).

Glen Rabalais would be appointed to the Community Development Advisory Committee. The term would commence December 15, 2015 and expire September 30, 2017. (Councilmember Claude Guidroz) - **Resolution – 15 – 281**

- A) Approve the granting of a Pipeline License Agreement with Natgasoline, LLC – **Resolution – 15 - 282**
- B) Authorize the acceptance of a ten foot wide Exclusive Water Line Easement located at 3955 Eastex Freeway - **Resolution – 15 - 283**
- C) Authorize the execution of a License to Encroach Agreement with Mark Fertita, owner of Madison Plaza, LP located at 6755 Phelan Boulevard – **Resolution – 15 - 284**
- D) Authorize the execution of a License to Encroach Agreement with Enterprise Logistic Services, LLC located at 6375 Walden Road - **Resolution – 15 - 285**
- E) Authorize the City Manager to execute an assignment agreement to the current Fixed Base Operator's (FBO) contract at the Beaumont Municipal Airport to BMT Wings, LLC - **Resolution – 15 - 286**
- F) Authorize the City Manager to apply for and accept grant funding through the 2016 Entergy Environment Initiatives Fund - **Resolution – 15 - 287**
- G) Authorize the City Manager to execute Industrial District Agreements with Koch Fertilizer, LLC and Koch Nitrogen International Sarl for inventory held offsite within the extraterritorial jurisdiction - **Resolution – 15 - 288**
- H) Authorize the City Manager to execute an Industrial District Contract with ExxonMobil Oil Corporation for inventory held offsite within the extraterritorial jurisdiction - **Resolution – 15 - 289**
- I) Authorize the City Manager to execute a fire service agreement with International Brotherhood of Electrical Workers - **Resolution – 15 - 290**
- J) Authorize a one year contract with the Greater Beaumont Chamber of Commerce for the period of January 1, 2016 through December 31, 2016 - **Resolution – 15 - 291**
- K) Authorize the City Manager to execute a License Agreement between Inspire Encourage Achieve (IEA) and the Beaumont Police Department - **Resolution – 15 – 292**

Councilmember Samuel moved to approve the Consent Agenda. Councilmember Pate seconded the motion.



**AYES:** MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

**NAYS:** NONE

**MOTION PASSED**

## **GENERAL BUSINESS**

1. Consider a resolution authorizing the award of a bid to GADV, Inc., d/b/a L & L General Contractors of Beaumont for the Construction of an 8-Unit T-Hangar and Removal of 2 Existing T-Hangars Project at the Beaumont Municipal Airport.

As part of the FAA approved Beaumont Municipal Airport 5-Year Capital Improvement Plan, the City proposed the construction of an 8-unit T-Hangar to satisfy the demand for aircraft hangar space as one of the commitments.

On Thursday, November 19, 2015, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Eight (8) bids were received as follows:

| <b>Contractor</b>                       | <b>Location</b>  | <b>Bid</b>     |
|---|------------------|----------------|
| GADV Inc. dba L & L General Contractors | Beaumont, Texas  | \$409,500.00   |
| Don Jackson Construction, Inc.          | Riesel, Texas    | \$599,000.00   |
| Trinity Transcon, LLC                   | Eules, Texas     | \$1,105,608.00 |
| H.B. Neild & Sons, Inc.                 | Beaumont, Texas  | \$485,300.00   |
| Centric Gulf Coast, Inc.                | Metairie, LA     | \$705,000.00   |
| Construction Zone of Texas, LLC         | Nederland, Texas | \$492,324.00   |
| N & T Construction Co.                  | Beaumont, Texas  | \$481,582.00   |
| Bruce's General Construction, Inc.      | Beaumont, Texas  | \$500,000.00   |

A total of 180 calendar days are allocated for the completion of the project. GADV Inc., d/b/a L & L General Contractors is a Certified MBE Contractor and will be providing 100% MBE participation.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO GADV, INC., D/B/A L & L GENERAL CONTRACTORS, OF BEAUMONT, TEXAS, IN THE AMOUNT OF **\$409,500.00** FOR THE CONSTRUCTION OF AN 8-UNIT T-HANGAR AND REMOVAL OF TWO (2) EXISTING T-HANGARS AT THE BEAUMONT MUNICIPAL AIRPORT PROJECT. Councilmember Wright seconded the motion.

**AYES:** MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

### Resolution 15 - 293

2. Consider a resolution authorizing the award of a bid to GADV, Inc., d/b/a L & L General Contractors of Beaumont for the Relocation of Parallel Taxiway, Replacement of Taxiway Lighting and Signage and Construction of T-Hangar Access Taxiway at the Beaumont Municipal Airport.

As part of the FAA approved Beaumont Municipal Airport 5-Year Capital Improvement Plan, the City agreed to taxiway improvements as one of the commitments. The taxiway project is required to relocate the parallel taxiway from 200' offset from the runway to 240' which is the minimum offset distance of a runway to a parallel taxiway for this category of airport. Mitigating this safety issue is a high priority to the FAA.

On Thursday, November 19, 2015, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Two (2) bids were received as follows:

| Contractor                              | Location        | Bid            |
|---|-----------------|----------------|
| GADV Inc. dba L & L General Contractors | Beaumont, Texas | \$3,684,503.60 |
| APAC – Texas, Inc.                      | Beaumont, Texas | \$4,185,925.85 |

A total of 240 calendar days are allocated for the completion of the project. GADV Inc., d/b/a L & L General Contractors is a Certified MBE Contractor and will be providing 100% MBE participation.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A CONTRACT TO GADV, INC., D/B/A L & L GENERAL CONTRACTORS, OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$3,684,503.60 FOR THE RELOCATION OF PARALLEL TAXIWAY, REPLACEMENT OF TAXIWAY LIGHTING AND SIGNAGE AND CONSTRUCTION OF T-HANGAR ACCESS TAXIWAY AT THE BEAUMONT MUNICIPAL AIRPORT PROJECT. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

### Resolution 15 - 294

December 15, 2015



3. Consider a resolution approving Change Order No. 2, 3, 4 and 5 to the contract with the Texas Department of Transportation for the Concord Road Project.

Texas Department of Transportation (TxDOT) is managing the Concord Road Project. On July 26, 2012, TxDOT entered into an agreement with Tradeco Infraestructura, Inc. in the amount of \$11,284,746.71 for the Concord Road Project.

Previous Change Order No. 1, on July 9, 2013, by Resolution No. 13-147, was approved by City Council in the amount of \$88,965.21, which was required for modifications to the water, sanitary sewer, storm sewer, and conduit lines for the project.

On June 10, 2015, Tradeco delivered a voluntary letter of default to TxDOT abandoning and terminating the contract. The Surety Bond held by American Home Assurance Company, is acting in its capacity as the Surety for Tradeco and has chosen Texas Sterling Construction Co., as the Completion Contractor. On September 1, 2015, Texas Sterling Construction Co., was given the Notice to Proceed with a Substantial Completion Date set at November 23, 2016.

TxDOT is requesting Change Order No. 2, 3, 4 and 5 for the removal of water oak trees along SH 105; temporary drainage on SH 105 to aid the installation of water and sanitary sewer improvements; adjustment of sanitary manholes to match final paving; and removal of three (3) existing sanitary manholes respectively. The combined value of all change orders requested is \$32,664.18. An Engineering and Contingencies charge of \$5134.81 has been assessed by TxDOT resulting in the total amount requested being \$37,798.99. With approval of Change Order No. 2, 3, 4 and 5 the new contract amount would be \$11,411,510.91.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE AND ACKNOWLEDGE CHANGE ORDER NO'S. 2, 3, 4 AND 5 FOR ADDITIONAL WORK, THEREBY INCREASING THE CONTRACT AMOUNT BY \$37,798.99 FOR A TOTAL CONTRACT AMOUNT OF \$11,411,510.91 FOR THE CONCORD ROAD PROJECT. Councilmember Pate seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

#### **Resolution 15 - 295**

4. Consider a resolution approving a contract for water bill printing and mailing services with DataProse, Inc., of Irving.

The City of Plano has awarded a contract to DataProse, Inc., in compliance with bidding requirements of the State of Texas to provide water bill printing and mailing services. Terms and conditions of the contract extend price and volume discounts to other governmental entities as permitted under Chapter 791 of the Texas Government Code. The City is currently under a joint purchasing inter-local cooperative agreement with the City of Plano for this service.

DataProse has provided the water bill printing and mailing services to the City of Beaumont since 2008. Plano recently extended the contract with DataProse.

DataProse will provide all labor, supervision, materials and equipment necessary for providing water bill printing and mailing services. The contract with DataProse is estimated to cost the City \$267,694 per year. The fee under the contract extension for bill processing is less than the current fee by 4.7 cents or 39%. The term of the contract is one (1) year with two (2) options to renew. Fees are as indicated in this table:

| Service                               | Fee                       | Estimated Annual Cost |
|---------------------------------------|---------------------------|-----------------------|
| Bill Processing                       | \$0.072 per bill          | \$55,945              |
| Search and view bill transmission fee | \$100 per transmission/CD | \$5,106               |
| Postage (1 oz)                        | \$0.406                   | \$206,643             |
| <b>Total Estimated Annual Cost</b>    |                           | <b>\$267,694</b>      |

Approval of resolution.

Councilmember Samuel moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A ONE (1) YEAR PRODUCTION AGREEMENT, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS, WITH DATAPROSE, INC., OF IRVING, TEXAS, FOR OUTSOURCING THE PRINTING AND MAILING OF WATER BILLS AT AN ESTIMATED COST OF \$267,694 PER YEAR.** Councilmember Guidroz seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL**

**NAYS: NONE**

**MOTION PASSED**

#### **Resolution 15 - 296**

5. Consider a resolution approving the award of a three-year contract for grounds maintenance and litter removal in the Downtown Central Business District to Texas Industries for the Blind and Handicapped.

Texas Industries for the Blind and Handicapped (TIBH) utilizes private not-for-profit Community Rehabilitation Programs (CRP) under the Texas State Use Program, Works



Wonders, which exempts political subdivisions from competitive bidding requirements. For this agreement, Beaumont Products and Services (BPS) located in Beaumont, will be providing the services to the City on behalf of TIBH.

BPS has been furnishing grounds maintenance and litter removal services to the City for the past eighteen (18) years. Grounds maintenance services include mowing, edging, sweeping and litter removal for the grounds at City Hall, Civic Center, Beaumont Public Library, Police Building, Julie Rodgers Theatre, Tyrrell Historical Library, Delia Harrington Park, Henry Dannenbaum Transfer Facility, River Front Park and parking lot, Municipal Court, Fire Memorial, Energy Museum, Art Museum, Convention and Visitors Bureau, and Central Business District medians, boulevards, and plazas.

The proposed amount for the three year term is five percent above the current annual amount of \$179,635.56.

Approval of resolution.

Councilmember Pate moved to **APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE AWARD OF A THREE (3) YEAR AGREEMENT WITH TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH) FOR BASIC GROUND MAINTENANCE AND LITTER REMOVAL SERVICES FOR THE DOWNTOWN CENTRAL BUSINESS DISTRICT.** Councilmember Samuel seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL**

**NAYS: NONE**

**MOTION PASSED**

### **Resolution 15 - 297**

6. Consider a resolution approving the award of a contract for workers' compensation excess insurance to McGriff, Seibels & Williams of Texas Inc., of San Antonio.

The City is self-insured for its workers' compensation program. The excess insurance coverage limits the City's liability for claims from any one job-related accident or injury. The city's liability is called Self Insured Retention (SIR), which means the insurance carrier will cover all cost incurred on any individual claim of more than \$1,000,000 up to any amount authorized by statute. Our current policy is with McGriff, Seibels & Williams of Texas, Inc. The annual premium for the calendar year 2015 was \$113,372. Approximately 1294 full-time employees and more than 200 part-time, temporary and/or casual employees are covered by workers' compensation.

A Request for Proposal was sent to nineteen (19) vendors. Two (2) responses were received. A panel of City employees reviewed the responses. The recommendation of the

panel was McGriff, Seibels & Williams of Texas, Inc., who represents Colony Insurance of San Antonio. All specifications were met and the results are attached for review.

The policy is for one (1) year. There is an option to renew for one (1) additional year. Based on the 2016 projected payroll of \$76,901,000, the annual premium is \$104,910.

Approval of resolution.

Councilmember Wright moved to **APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH COLONY INSURANCE, OF SAN ANTONIO, TEXAS.** Councilmember Guidroz seconded the motion.

**AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL**

**NAYS: NONE**

**MOTION PASSED**

#### **Resolution 15 - 298**

7. Consider a resolution authorizing the City Manager to enter into an agreement with Tri-Con, Inc. for economic development incentives under the Neighborhood Empowerment Zone Abatement Program.

In recent months, working with Lamar University and the Greater South Park Neighborhood Partnership, the city has increased its efforts to encourage redevelopment within the area surrounding Lamar University and Lamar Institute of Technology. To this end, the City of Beaumont recently established the Lamar Neighborhood Empowerment Zone (Number Six). It is the goal of this new zone to offer economic incentives in this area to attract new businesses and residences as well as encourage the redevelopment or growth of existing businesses and residences. Specifically, the zone offers the following economic development incentives.

- 1) A possible three (3) year, 100% municipal tax abatement for all added value for investments greater than \$50,000 for residential uses and \$75,000 for all other uses and a possible, additional four (4) year, 100% abatement for projects in excess of \$5 Million.
- 2) Building fee waivers (not including tap and meter fees).
- 3) Expedited permit review.
- 4) Lien waivers for any lien claimed by the City for demolition or high grass abatement expenditures.

Tri-Con, Inc. is proposing to construct a new convenience store at 1755 East Cardinal Drive. The estimated project cost is in excess of \$1 Million, but less than \$5 Million. As such, under the Empowerment Zone Guidelines, if approved, Tri-Con's project would be

December 15, 2015



eligible for a three (3) year abatement of city property taxes, building fee waivers, expedited permit review, as well as lien waivers. Attached is Tri-Con's application, outlining their requests for all eligible benefits, except lien waivers. The Administration believes that this project would meet the goals of the Empowerment Zone program and the new retail services to the area would help further the redevelopment of the area.

Approval of resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A NEIGHBORHOOD EMPOWERMENT ZONE TAX ABATEMENT AGREEMENT WITH TRI-CON, INC., OF BEAUMONT, TEXAS AT 1755 EAST CARDINAL DRIVE IN THE CITY OF BEAUMONT WITHIN NEIGHBORHOOD EMPOWERMENT ZONE #6. Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM GETZ, COUNCILMEMBERS GUIDROZ, WRIGHT, PATE AND SAMUEL

NAYS: NONE

MOTION PASSED

**Resolution 15 – 299**

#### **COUNCILMEMBER COMMENTS**

**COUNCILMEMBER GUIDROZ -**

WISHED EVERYONE A VERY MERRY CHRISTMAS AND TO BE SAFE, ASKED FOR EVERYONE TO TAKE TIME FOR WHAT'S IMPORTANT, TO TAKE TIME FROM DAILY LIFE AND TO ENJOY THOSE WE CHERISH THAT WE DON'T MISS UNTIL THEY'RE GONE, REMINDED ALL THAT LAMAR UNIVERSITY'S BASKETBALL TEAM WILL BE BACK ON FRIDAY AND INVITED EVERYONE TO COME OUT

**MAYOR PRO TEM GETZ -**

ANNOUNCED THE DOWLEN/WEST NEIGHBORHOOD ASSOCIATION ANNUAL CHRISTMAS PARTY, INVITED EVERYONE TO ATTEND, WISHED EVERYONE A MERRY CHRISTMAS AND A HAPPY HOLIDAY SEASON

**COUNCILMEMBER WRIGHT -**

WISHED EVERYONE A HAPPY NEW YEAR, ASKED THAT DURING THE CHRISTMAS SEASON THAT WE REMEMBER THE REASON FOR THE SEASON, ENCOURAGED ALL TO SPEND LOCALLY, ASKED THAT EVERYONE BE SAFE AND TO WATCH FOR CHILDREN OUT PLAYING WHILE THEY'RE OUT OF SCHOOL, WISHED A HAPPY HOLIDAY SEASON FOR EVERYONE

**COUNCILMEMBER PATE -**

FEELS WE'RE FORTUNATE TO HAVE SO MANY WONDERFUL NEIGHBORHOOD ASSOCIATIONS, IF WE COULD ALL COME TOGETHER AS A CITY LIKE THE NEIGHBORHOOD ASSOCIATIONS DO THERE'S NOTHING WE CAN'T ACCOMPLISH, ENCOURAGED THOSE WITHOUT A NEIGHBORHOOD ASSOCIATION THAT WOULD LIKE TO JOIN ONE PLEASE NOT HESITATE TO CONTACT THE CITY COUNCIL FOR ASSISTANCE, WISHED EVERYONE A MERRY CHRISTMAS AND THE HAPPIEST OF NEW YEARS, HOPES THAT 2016 WILL BE AN EVEN BETTER YEAR FOR BEAUMONT

**COUNCILMEMBER SAMUEL -**

WISHED EVERYONE A HAPPY HOLIDAY SEASON, ACKNOWLEDGED IEA AND THE BEAUMONT POLICE DEPARTMENT IN SETTING A GOOD EXAMPLE OF HOW ENTITIES CAN WORK TOGETHER FOR THE COMMON GOOD OF THE COMMUNITY AND IT MAKES A DIFFERENCE, PARTICULARLY TO THE KIDS THAT ARE PARTICIPATING IN THE PROGRAM

**COUNCILMEMBER MOUTON -**

ABSENT

**CITY ATTORNEY COOPER -**

NONE

**CITY MANAGER HAYES -**

NONE

**MAYOR AMES -**

STATED THAT COUNCIL WILL LIKELY MEET NEXT WEEK, HOWEVER WOULD LIKELY NOT BE MEETING AFTER THAT AGAIN UNTIL JANUARY 12, 2016

**Public Comments** (Persons are limited to three minutes)

**Talsha Davis**

**PO Box 7288**

**Beaumont, TX**

Wished everyone a Merry Christmas, spoke in opposition of privatizing the tennis courts that was on the agenda last week, feels that it would make it not as local for the citizens of Beaumont and that it would turn the basketball court into a parking area which would take away from the children, asked if changing the Council Meeting to a later time has been considered so that more citizens can actually attend and participate

**Landry Rountree**

**1565 S Major**

**Beaumont, TX**

Wished Council a Merry Christmas, commented on a complaint filed against his company in 2013 which resulted in seven officers arriving at his office the next day, stated that he is not receiving that same expedited service following a complaint he filed back in September



that he has not gotten an update on, stated that he has filed a lawsuit against the City but understands that the Constable's office has not served that lawsuit as of yet

**EXECUTIVE SESSION - Cancelled**

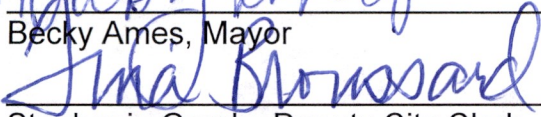
- \* Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Claim of Duc Duy Au

With there being no Executive Session, Council adjourned at 2:01 p.m.

**Audio available upon request in the City Clerk's Office.**

  
Becky Ames, Mayor

  
Stephanie Gandy, Deputy City Clerk

